

2004 Annual Grievance Report to the Legislature

MICHIGAN SUPREME COURT
State Court Administrative Office
Friend of the Court Bureau

SEPTEMBER 2005

The Friend of the Court Bureau, within the State Court Administrative Office (SCAO), was created by the Michigan Legislature pursuant to the Friend of the Court Act (PA 294 of 1982). Among its duties, the Bureau is responsible for collecting data and information on local friend of the court operations. This includes information related to friend of the court grievances.

MCL 552.519(3)(d) requires the Bureau to annually issue a grievance report to the Legislature containing a summary of grievances received by local friend of the court offices. This grievance report also indicates whether the grievances were resolved or remain outstanding. In fulfillment of this statutory requirement, each year the Bureau prepares and forwards a grievance report to the Legislature. This 21st Annual Grievance Report covers the period from January 1 through December 31, 2004.

In 2004, 900 grievances were filed with friends of the court. This represents a 34 percent decrease from the number of grievances filed during the preceding reporting year. Based on the 2003 friend of the court caseload (the most current data available), there was an average of 1 grievance filed for every 843 cases. In 2003, the ratio of grievances to cases was 1 grievance for every 515 cases.

Grievances sometimes address issues not covered by the statutory grievance procedure, such as the substance of a trial court ruling, a recommendation of the friend of the court, or an issue that is the responsibility of another agency. The friend of the court accepts and responds to these, even though issues are considered non-grievable. Also a single grievance may contain multiple issues or a combination of issues. For example, a single grievance could address both employee related and office procedures. The response then may acknowledge some of the issues and find other issues to be non-grievable.

In this report, responses to grievances are listed in four categories: acknowledged in full, acknowledged in part, denied, and non-grievable issue. As reported by friends of the court, 69 were acknowledged in full, 152 were acknowledged in part, 540 were denied, 24 remained pending, and 141 were determined to be non-grievable issues.

There were 1,294 separate complaints/issues stated in the 900 grievances filed in 2004. Of these 1,294 complaints, 67 percent were related to office operations and 33 percent were related to employees. Of the total number of complaints/issues related to office operations, 55 percent (477) were support related, 11 percent (97) were related to parenting time, 4 percent (34) were related to custody, 5 percent (46) were gender related, and 25 percent (215) were considered "other." There were 24 grievances pending at the time the friends of the courts provided the grievance information to the State Court Administrative Office.

Local friends of the court changed office operations 24 times as a result of the grievances filed in 2004. Fifty-four separate actions were taken in response to grievances filed about employees.

2004 ANNUAL GRIEVANCE REPORT TO THE LEGISLATURE

Table for Attachments

Grievance Report

Attachment A: SCAO Grievance Forms

Attachment B: Statute Describing Grievance Process

Citizen Advisory Committee Supplement

Attachment C: Citizen Advisory Committee Reporting Forms

Attachment D: Public Act 551 of 1998

Attachment E: Michigan Court Rule 3.218

Attachment F: Public Act 210 of 2004

Attachment G: Recommendation for Random Selection of Grievances

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GLOSSARY OF TERMS

TOTAL FILED: Number of grievances filed in each office during the reporting year of January 1 through December 31.

PENDING: Number of grievances not resolved during the reporting year.

GRIEVANCE RESPONSE:

A/F: Acknowledged in full - merit in grievance.

A/P: Acknowledged in part - merit in part of grievance.

D: Denied - no merit in grievance.

NG: Non-grievable - issue does not come under the grievance procedure.

PR: Pending response - number of grievances not resolved during the reporting year.

Dupl: Duplicate - same party filed a grievance on the same issue.

**Same Party/
New Grievance:** Same party filed a prior grievance dealing with items not addressed in current grievance.

GRIEVANCE REGARDING:

Employee: Number of grievances filed which included an employee problem.

Office Operations: Office operations grievances may be filed regarding support, parenting time, custody, or "other."

Support: Number of grievances in which support-related problems were at issue.

Parenting Time: Number of grievances in which parenting time problems were at issue.

Custody: Number of grievances in which custody concerns were at issue.

Other: Number of grievances in which other concerns such as change of domicile, locate activities, etc., were at issue.

GRIEVANCE RESULTS:

Chg. Policy/Ops.: Change in Office Operation - grievances resulted in change in office operation.

Personnel Action: Grievances resulted in personnel or employee action.

Footnotes: A grievance may involve both an employee and office operations. Therefore, total grievances filed does not equal the total number of employee-related grievances plus the total number of office operation-related grievances.

A grievance may involve multiple issues that require the friend of the court to select combinations of responses. Therefore, the total number of grievances filed does not equal the total number of responses selected.

County	Grievance Comparisons and Totals					Grievance Responses					Multiple Grievances		Grievance Type Category						Grievance Results			
	2003 Caseload	2004 Total Filed	2003 Total Filed	Percentage Change from 2003	2004 Ratio to Cases	Response over 30 days	A/F	A/P	D	NG	Number Pending 12/31	Dupl.	Same Party New Grievance	Empl.	Supp.	Par. Time	Cust.	Gend. Based	Other	Chg. Policy /Ops.	Pers. Action	No Action
ALCONA/ ARENAC/ IOSCO/ OSCODA	6,727	4	15	-175%	1 : 1,682	0	0	0	4	0	0	0	0	1	2	0	0	0	4	0	0	4
ALGER	365	0	1	-100%	0 : 365	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ALLEGAN	5,177	15	19	-21%	1 : 345	0	3	1	11	0	0	0	0	6	9	1	0	0	3	0	3	12
ALPENA/ MONTMORENCY	449	3	5	-40%	1 : 150	1	0	0	3	0	0	0	0	1	0	0	2	0	0	0	3	0
ANTRIM/ GRAND TRAVERSE/ LEE LANAU	6,343	8	13	-38%	1 : 793	1	0	1	5	2	0	0	0	7	3	1	0	2	0	1	0	7
BARRY	3,668	8	7	14%	1 : 459	1	0	2	5	0	0	0	0	0	1	2	1	0	3	0	0	7
BAY	7,962	6	7	-14%	1 : 1,327	6	0	0	3	0	3	0	0	3	1	1	0	0	1	0	0	0
BENZIE	911	FTR	FTR	N/A	0 : 0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BERRIEN	16,620	6	3	100%	1 : 2,770	1	0	2	3	0	1	0	0	2	2	3	1	0	0	1	0	4
BRANCH	3,060	3	4	-33%	1 : 1,020	0	0	0	0	3	0	0	0	1	1	0	0	0	1	0	0	3
CALHOUN	14,811	23	31	-26%	1 : 644	0	1	1	16	8	0	3	1	12	14	1	1	1	2	0	0	25
CASS	3,483	2	3	-33%	1 : 1,742	1	0	0	2	0	0	0	0	2	0	0	0	0	0	0	0	2
CHARLEVOIX	1,472	0	4	-100%	0 : 1,472	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CHEBOYGAN	1,675	4	FTR	N/A	1 : 419	1	0	2	2	1	0	0	0	0	5	3	0	0	0	1	0	3
CHIPPewa	2,009	5	1	400%	1 : 402	2	0	0	3	0	2	1	0	3	4	1	0	0	0	0	3	3
CLARE	2,071	FTR	3	N/A	0 : 0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CLINTON	FTR	8	8	0%	1 : 0	3	0	0	6	3	0	2	0	8	4	1	2	0	1	0	0	8

County	2003 Caseload	2004 Total Filed	2003 Total Filed	Percentage Change from 2003	2004 Ratio to Cases	Response over 30 days	A/F	A/P	D	NG	Number Pending 12/31		Dupl.	Same Party New Grievance	Empl.	Supp.	Par. Time	Cust.	Gend. Based	Other	Chg. Policy /Ops.	Pers. Action	No Action
DELTA	2,194	3	2	50%	1 : 731	1	0	0	3	0	0	0	0	0	3	2	2	1	1	2	0	0	3
DICKINSON	1,334	7	0	700%	1 : 191	0	1	0	7	3	0	0	0	0	2	4	2	2	1	1	1	0	7
EATON	6,163	FTR	9	N/A	0 : 0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EMMET	1,494	FTR	1	N/A	0 : 0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GENESEE	53,949	75	81	-7%	1 : 719	12	5	8	59	2	1	2	5	54	57	16	2	2	0	47	0	1	74
GLADWIN	1,326	FTR	5	N/A	1 : 0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GOGEBIC	756	FTR	3	N/A	1 : 10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GRATIOT	2,546	2	1	100%	1 : 1,273	1	0	0	2	0	0	0	0	0	1	2	0	0	0	0	0	0	2
HILLSDALE	3,189	3	2	50%	1 : 1,063	0	1	0	1	1	0	0	0	0	1	2	1	0	0	0	0	1	2
HOUGHTON/ BARAGA/ KEWEENAW	1,931	0	3	-100%	1 : 0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HURON	1,644	3	3	0%	1 : 548	0	0	0	0	3	0	0	0	0	3	0	0	0	0	0	0	0	0
INGHAM	26,370	50	52	-4%	1 : 527	1	5	4	39	4	0	0	0	0	10	39	8	4	0	0	0	0	50
IONIA	4,718	11	7	57%	1 : 429	4	0	1	10	0	0	0	0	0	2	7	2	0	0	2	0	0	11
IRON	572	0	0	0%	1 : 0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ISABELLA	2,763	2	5	-60%	1 : 1,382	1	0	0	2	1	0	0	0	0	1	0	0	0	1	2	0	0	2
JACKSON	13,264	21	23	-9%	1 : 631	0	6	6	18	1	0	0	0	2	11	15	2	1	0	11	7	0	21
KALAMAZOO	18,303	19	30	-37%	1 : 963	1	0	1	8	10	0	0	2	0	5	5	1	0	0	1	0	2	17
KENT	43,959	62	66	-6%	1 : 709	7	4	22	28	4	3	4	1	12	37	7	2	2	2	17	3	2	53

County	2003 Total Filed	2004 Total Filed	2003 Total Filed	Percentage Change from 2003	2004 Ratio to Cases	Response over 30 days	A/F	A/P	D	NG	Number Pending 12/31	Dupl.	Same Party New Grievance	Empl.	Supp.	Par. Time	Cust.	Gend. Based	Other	Chg. Policy /Ops.	Pers. Action	No Action
LAKE	890	FTR	FTR	N/A	1 : 0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Lapeer	5,686	16	18	-11%	1 : 355	1	1	1	9	5	0	0	0	8	2	0	1	1	8	0	1	15
LENAWEE	6,546	9	25	-64%	1 : 727	0	3	5	2	3	0	0	0	3	7	5	2	1	3	5	0	9
LIVINGSTON	7,093	11	10	10%	1 : 645	1	0	1	9	0	0	0	0	3	5	8	2	1	0	0	2	9
LUCE	338	1	2	-50%	1 : 338	1	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0
MACKINAC	702	FTR	0	N/A	1 : 0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MACOMB	36,411	25	50	-50%	1 : 1,456	4	0	2	23	0	0	0	0	15	20	1	0	2	0	0	2	23
MANISTEE	1,467	7	4	75%	1 : 210	1	1	0	6	0	0	0	0	3	3	1	0	0	1	1	0	6
MARQUETTE	2,797	2	0	200%	1 : 1,399	0	0	0	0	0	1	0	1	0	0	2	0	0	0	0	0	2
MASON	1,793	FTR	5	N/A	1 : 0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MECOSTA	3,438	5	8	-38%	1 : 688	0	0	1	3	1	0	0	0	0	1	3	0	0	1	0	0	5
MENOMINEE	1,540	FTR	0	N/A	1 : 0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MIDLAND	3,965	5	2	150%	1 : 793	1	0	0	2	2	1	0	0	5	6	2	0	1	0	0	0	4
MONROE	9,443	8	4	100%	1 : 1,180	1	2	0	7	0	0	0	0	4	4	0	0	0	4	0	4	5
MONTCALM	5,283	0	3	-100%	1 : 0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MUSKEGON	19,679	21	21	0%	1 : 937	6	3	0	16	2	0	0	2	11	10	2	0	1	5	2	1	18
*NEWAYGO	5,258	6	3	100%	1 : 876	1	0	2	4	0	0	0	0	4	5	1	0	0	3	0	5	1
OAKLAND	49,125	112	124	-10%	1 : 438	6	6	13	78	5	4	8	2	104	15	4	0	13	39	2	11	90
*OCEANA	5,258	2	3	-33%	1 : 5,258	0	0	0	2	0	0	0	0	0	1	1	0	0	0	0	0	2

County	2003 Caseload	2004 Total Filed	2003 Total Filed	Percentage Change from 2003	2004 Ratio to Cases	Response over 30 days	A/F	A/P	D	NG	Number Pending 12/31	Dupl.	Same Party New Grievance	Empl.	Supp.	Par. Time	Cust.	Gend. Based	Other	Chg. Policy /Ops.	Pers. Action	No Action
Ontonagon	388	0	FTR	N/A	1 : 0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OSCEOLA	2,005	5	2	150%	1 : 401	0	0	1	4	0	0	0	0	0	5	0	0	0	0	0	1	4
OTSEGO/CRAWFORD/ KALKASKA	3,746	5	3	67%	1 : 749	4	0	4	3	3	0	0	0	0	7	3	1	0	1	2	0	3
OTTAWA	11,987	31	40	-23%	1 : 999	3	3	5	18	2	0	0	0	0	22	8	1	2	1	0	1	7
Presque Isle	558	0	0	N/A	1 : 0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ROSCOMMON/OGEMAW	FTR	9	9	N/A	1 : 0	7	0	0	8	1	0	1	0	0	8	2	0	0	0	1	2	0
SAGINAW	23,257	6	10	-40%	1 : 1,938	0	0	0	5	0	0	0	0	1	5	6	0	0	0	0	0	6
ST. CLAIR	12,000	7	5	40%	1 : 1,714	1	0	1	4	2	0	0	0	0	7	6	0	0	0	1	0	1
ST. JOSEPH	4,438	2	5	-60%	1 : 2,219	1	0	0	2	0	0	0	0	0	1	1	0	0	0	0	0	2
SANILAC	3,028	7	1	600%	1 : 433	0	0	0	5	3	0	1	0	0	0	5	3	2	0	0	0	7
SCHOOLCRAFT	555	0	0	0%	1 : 278	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SHIAWASSEE	5,474	FTR	10	N/A	1 : 0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TUSCOLA	3,134	5	5	0%	1 : 627	0	0	0	5	0	0	0	0	0	4	3	1	0	0	0	0	5
VANBUREN	5,253	FTR	15	N/A	1 : 0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WASHTENAW	18,952	26	31	-16%	1 : 997	7	1	4	16	5	0	0	3	12	11	4	3	2	12	2	0	24
WAYNE	231,050	193	509	-62%	1 : 1,197	7	23	51	57	56	5	10	13	23	126	8	4	7	34	0	0	0
WEXFORD/MISSAUKEE	2,950	21	11	91%	1 : 140	7	0	10	8	7	2	0	0	19	5	2	1	6	1	0	1	19
TOTAL	758,765	900	1,355	-34%	1 : 843	105	69	152	540	141	24	34	37	425	477	97	34	46	215	24	54	610

*The MICSES system combined the Newaygo and Oceana Counties caseload and reported it as one for each county.

2004 ANNUAL GRIEVANCE REPORT TO THE LEGISLATURE

SUPPLEMENT:

2004 Citizen Advisory Committee Report to the Legislature

**State Court Administrative Office
Friend of the Court Bureau
2004 Citizen Advisory Committee Report to the Legislature**

This report summarizes the history and current status of friend of the court citizen advisory committees (CAC). Included are summaries of the CACs' authorizing legislation and court rules, other factors that have impacted CAC development, and an evaluation of CAC activities during 2004.

Historical Perspective

In 1996, PA 366 modified the Friend of the Court Act (MCL 552.501, et seq.) by establishing a CAC in each county. The CAC legislation (MCL 552.504a) provided duties for the CAC as follows:

- “(a) Meet not less than 6 times annually. The citizen advisory committee shall keep minutes of each meeting and submit a copy to the county board.
- (b) Review and investigate grievances [see Attachment A for State Court Administrative Office Grievance Form] concerning the friend of the court as provided in section 26.¹
- (c) Advise the court and the county board on the office of the friend of the court's and the friend of the court's duties and performance, and on the community's needs relating to the office's services.
- (d) At the end of each calendar year, submit an annual report of its activities to the county board, court, state court administrative office [*sic*], governor's office, standing senate and house committees, and appropriations subcommittees that are responsible for legislation concerning the judicial branch.”

Prior to October 1, 2004 SCAO's Friend of the Court Bureau (SCAO/FOCB) had provided assistance to CACs. This included developing an informational brochure and consulting with committee members, county executives, legislative representatives, and other interested parties. The SCAO/FOCB also developed the annual reporting forms used by CACs (see Attachment C). As in past years, many counties have been reluctant to create and maintain CACs due to the added cost of the staffing and other support requirements (such as travel, copying, and other office expenses

Prior to 2001, counties were reluctant to implement a CAC due to limited access to friend of the court records. The statute was amended in 1998 (see Attachment D) and the court rule

¹ Section 26 addresses procedures for handling friend of the court grievances, and for citizen advisory committee review of those grievances (see Attachment B).

was amended effective April 1, 2001, (see Attachment E) to allow CACs greater access to friend of the court records.

In 2004, PA 210 (see Attachment F) modified the Friend of the Court Act (MCL 552.501) by providing that each county **may** establish a friend of the court citizen advisory committee (prior to Public Act 210 the law **required** counties to establish a citizen advisory committee). PA 210 also set forth that all citizen advisory committee must honor any guidelines established by the State Court Administrative Office for friends of the court interaction with CACs .

Evaluative Summary

The FOCB was created within SCAO by the Friend of the Court Act in 1982. Later, the 1996 CAC legislation expanded SCAO/FOCB's duties by requiring an annual evaluative summary of the activities and function of each CAC, the aggregate activities of all CACs and any problems that impede CACs' ability to satisfy the users of CAC services (MCL 552.519[D][iii]).

The summary is divided into five sections: Activities for Each Committee; Activities for All Committees; Problems Impeding Efficiency; Table of Counties Who Did Not Submit Reports; and Conclusions.

The SCAO/FOCB mailed out the annual reporting forms to each county and existing CACs on December 3, 2004. The majority of counties had simply failed to form a committee or had allowed their committee to become inactive. The following bulleted list shows the status of CACs in Michigan. The data came from written reports, correspondence, and the other contacts with the counties.

Counties that have formed a CACs:

- 30 counties formed CACs since 1997, but 22 of those were not active in 2004 or failed to submit a 2004 report
- 8 CACs reported 2004 activities to the SCAO/FOCB

As noted above, many counties have failed to establish a CAC. Written comments provided by the counties with currently inactive committees indicate that there were two reasons for the inactivity: 1) lack of funding; 2) SCAO not providing on-site support.

CACs in Benzie, Ingham, Ionia, Kent, Livingston, Macomb, Marquette, and Oceana, filed 2004 reports. The following information is drawn from these reports.

A. Summary of Activities of Each Citizen Advisory Committee

MCL552.519(3)(d)(i) requires *“an evaluative summary, supplemented by applicable quantitative data, of the activities and functioning of each citizen advisory committee during the preceding year.”*

Benzie County

The Benzie CAC met four times in 2004. Although the committee met less than the minimum number of times as required by the statute, for the purpose of this report, the Benzie CAC was considered an active committee. Minutes were submitted to the county board after each CAC meeting. No grievances were filed with the committee.

Ingham County

The Ingham CAC met 7-12 times. The Ingham CAC also submitted written reports and had meetings with the court. Minutes were submitted to the county board after each CAC meeting. The CAC advised the county board of the friend of the court's duties and performance by submitting an annual written report and meeting with the court. The Ingham CAC held four informal hearings and reviewed 50 grievances that were filed with the friend of the court office.

Ionia County

The Ionia CAC met six times in 2004. Minutes were submitted to the county board after each CAC meeting. The CAC advised the county board of the friend of the court's duties and performance by submitting an annual written report. The committee randomly selected six friend of the court grievances.

Kent County

The Kent County CAC met six times. Minutes were submitted to the county board after each CAC meeting. The Kent County CAC held no informal hearings, but did form subcommittees to review grievances. The Kent County CAC reviewed every fifth grievance filed with the friend of the court office.

Livingston

The Livingston County CAC met less than six times. Although the committee met less than the minimum number of times as required by the statute, for the purpose of this report the Livingston CAC was considered an active committee. Subcommittees were formed to review grievances. The CAC reviewed five grievances that were filed with the friend of the court office.

Macomb County

The Macomb County CAC met less than six times. The CAC submitted its minutes and annual report to the county board at the end of the year. Every third grievance filed with the friend of the court office was selected and forwarded to the CAC for review. This resulted in the CAC reviewing 15 grievances. Eleven grievances alleged that a friend of the court decision was made based on gender rather than the best interests of the child. None of the eleven grievances that alleged gender bias were acknowledged.

Marquette County

The Marquette CAC met six times in 2004. Minutes of the meetings were sent to the county board after each meeting. Two informal hearings were held to review grievances.

Oceana County

The Oceana County CAC met less than six times in 2004. Although the committee met less than the minimum number of times as required by the statute, for the purpose of this report the Oceana CAC was considered an active committee. Minutes of the meetings were submitted to the county board after each CAC meeting. No grievances were reviewed by the committee.

B. Summary of the Activities of All Citizen Advisory Committees

MCL 552.519 (3)(d)(ii) requires “an evaluative summary, supplemented by applicable quantitative data, of the aggregate of all citizen advisory committees in the state during the preceding year.”

Meetings Held – The statute requires that CACs: *“Meet not less than 6 times annually.”* The statute also requires the committee to record its minutes. *The citizen advisory committee shall keep minutes of each meeting and submit a copy to the county board.”* MCL 552.504a(1)(a).

The following summary is organized based on the committee functions outlined in 1996 PA 366. The percentages are based on the number reporting CACs. Four committees (50 percent) met less than six times (Benzie, Livingston Macomb, and Oceana). Three committees (38 percent) met six times (Ionia, Kent, and Marquette). One committee (12 percent of the committees) met between 7-12 times (Ingham).

After each CAC meeting, the Benzie, Ionia, Kent, Marquette, and Oceana CACs submitted their minutes to their county boards.

In addition to minutes, the Ingham, Ionia, Macomb, and Oceana CACs also provided written reports to their county boards. A representative of the Ingham CAC attended county board meetings.

Grievance Review and Investigation - *"Review and investigate grievances concerning the friend of the court as provided in section 26," MCL 552.504a(1)(b).*

MCL 552.526(3) provides that a party to a domestic relations matter who has a grievance concerning friend of the court office **operations** may file the grievance with the county CAC at any time during the proceedings.

Kent, Livingston, Macomb, and Marquette CACs (50 percent of the reporting counties) had grievances filed directly with the committees.

Kent County

The Kent County CAC had three grievances filed directly with the committee. Of the three grievances filed directly with the CAC, there were three child support issues, and one issue identified as "other." The CAC partially agreed with two grievances and disagreed with the other grievance. As a result of reviewing the grievances filed directly with the committee, there was one recommendation to change local policy and operations.

Livingston County

The Livingston County CAC received five grievances directly. The same party filed four of the five. There were five support issues raised, two parenting time issues, and five issues identified as "other." The committee partially agreed with all five grievances that were filed. As a result of reviewing one grievance, the committee recommended a change in local policy and operations and recommended a change in state law and state policy.

Macomb County

The Macomb County CAC received one grievance that was filed directly with the committee. The grievance raised support issues. The grievance was not considered an office operations issue, thus was rejected.

Marquette County

The Marquette County CAC received two grievances directly. The issues raised were considered, "other." The committee rejected both grievances.

Summary of Grievances Filed with the CACs

Eleven grievances were filed directly with CACs in 2004. The grievances raised eight child support issues, two parenting time issues, and eight issues considered "other."

Grievances Filed with Friends of the Court and Reviewed by the CACs.

MCL 552.526(4) requires CACs to establish procedures for randomly selecting for review grievances submitted directly to the friend of the court office. SCAO has provided recommendations for selecting grievances to be reviewed (see Attachment G). The CAC must review the grievance and the friend of the court's response, and then report its findings to the circuit court and the county board. Eighty-one grievances were reviewed by six of the eight reporting CACs.

- Benzie County CAC did not select any grievances.
- Ingham County CAC selected 50 grievances.
- Ionia County CAC selected 6 grievances.
- Kent County CAC selected 5 grievances.
- Livingston County CAC selected 5 grievances (four of the grievances were filed by the same party).
- Macomb County CAC randomly selected 15 grievances.
- Marquette County did not select any grievances.
- Oceana County did not select any grievances to review.

The 81 grievances filed directly with the friends of the court, and reviewed by six of the eight CACs raised the following issues: support (59); parenting time (18); custody (6); and "other" (25). "Other" means the grievance was not considered to involve child support, parenting time, custody, or gender. NOTE: A grievance may contain more than one issue. Committee members expressed full agreement with the friend of the court as to 22 of the grievances and partially agreed on another four.

MCL 552.526(5) requires CACs to examine grievances filed with the friend of the court that allege that a decision was based on gender rather than the best interests of the child. Only Ingham and Macomb CACs conducted reviews that alleged gender bias. In total, Ingham County CAC reviewed one grievance and the Macomb CAC reviewed 11 grievances involving gender bias issues. The Ingham CAC's report did not state if the gender bias issue was related to child support, parenting time, custody, or considered "other" nor did the report indicate if the grievance was evaluated. The 11 grievances reviewed by the Macomb County CAC involving gender bias contained: nine support issues, four parenting time issues, two custody issues, and three issues considered "other." The CAC fully agreed with the FOC on all 11 gender-bias grievances.

Annual Report - *"At the end of each calendar year, submit an annual report of activities to the county board, court, state court administrative office, governor's office [sic], standing senate and house committees, and appropriations subcommittees that are responsible for legislation concerning the judicial branch," MCL 552.504a(1)(d).*

Eight CACs submitted annual reports to the SCAO.

C. Problems Impeding Citizen Advisory Committee Efficiency

MCL 552.519 (3)(d)(iii) requires *"an identification of problems that impede the efficiency of the activities and functioning of the citizen advisory committees and the satisfaction of the users of the committees' services."*

CACs were asked to identify problems that have impeded the efficiency of their functions, activities, and satisfaction of the users, only Ionia, Livingston, and Macomb CACs provided responses.

Ionia: "The Committee's functions are limited by statute. The grievances submitted to the friend of the court tend to deal with legal issues, which is outside the scope of the committee. No grievances were filed directly with the committee."

Livingston: "Not having a quorum at each meeting impeded our ability to make recommendations and otherwise function. Existing vacancies on the committee have also impeded the function of the committee. In addition, MCL 552.526 needs amending. Section 3 allows grievances concerning office operations. Section 7 excludes decisions regarding a specific case. Mostly all people who file a grievance are complaining about a specific action, or decision, in their case. The wording of Section 7 is not realistic in addressing the concerns of the public. The language is too restrictive. If a person believes an office employee is biased but the committee can't review those decisions because they are not proper subjects for a grievance, the committee is in effect rendered powerless to review much of anything."

Macomb: The following was provided by the Macomb County CAC: "1) Many problems involved MiSDU actions not FOC's and so couldn't be addressed by FOC or FOCCAC. To attempt to correct MISDU problems, letters were sent to each state senator and representative for Macomb County requesting contract. Not one responded. Refusal to discuss won't resolve them. And because the FOCCAC is no longer a state mandate, may it now be ignored? Should it continue to operate? 2) FOCCAC is still unfunded. Expenses are absorbed [sic] ad hoc by the county or members. 3) FOC customers are still unaware of the FOCCAC's jurisdiction and function."

D. Counties That Did Not Submit Reports

<u>County</u>	<u>Formed CAC</u>	<u>Active CAC</u>	<u>Remarks/Comments by County Officials</u>
Alcona	No	No	Failed to Report
Alger	No	No	Failed to Report
Allegan	No	No	No CAC
Alpena	No	No	Failed to Report
Antrim	No	No	Failed to Report
Arenac	Yes	No	Failed to Report
Baraga	No	No	Failed to Report
Barry	No	No	Failed to Report
Bay	No	No	Failed to Report
Berrien	No	No	No CAC
Branch	No	No	No CAC
Calhoun	No	No	Failed to Report
Cass	Yes	No	Failed to Report
Charlevoix	No	No	Failed to Report
Cheboygan	No	No	No CAC
Chippewa	No	No	No CAC
Clare	No	No	Failed to Report
Clinton	No	No	No CAC
Crawford	No	No	Failed to Report
Delta	No	No	Failed to Report
Dickinson	No	No	Failed to Report
Eaton	No	No	Failed to Report
Emmet	Yes	No	Failed to Report
Genesee	Yes	No	Failed to Report
Gogebic	No	No	Failed to Report
Gladwin	No	No	No CAC
Grand Traverse	No	No	Failed to Report
Gratiot	No	No	No CAC
Hillsdale	No	No	No CAC
Houghton	No	No	Failed to Report
Huron	No	No	Failed to Report

<u>County</u>	<u>Formed CAC</u>	<u>Active CAC</u>	<u>Remarks/Comments by County Officials</u>
Iosco	No	No	Failed to Report
Iron	No	No	Failed to Report
Isabella	Yes	No	Failed to Report
Jackson	Yes	No	No Report
Kalamazoo	Yes	No	Failed to Report
Kalkaska	No	No	Failed to Report
Keweenaw	No	No	Failed to Report
Lake	No	No	No CAC
Lapeer	No	No	Failed to Report
Leelanau	No	No	Failed to Report
Lenawee	No	No	Failed to Report
Luce	No	No	No CAC
Mackinac	Yes	No	No CAC
Manistee	No	No	No CAC
Mason	Yes	No	No CAC
Mecosta	No	No	Failed to Report
Menominee	No	No	No CAC
Midland	Yes	No	Failed to Report
Missaukee	No	No	Failed to Report
Monroe	Yes	No	No CAC
Montcalm	Yes	No	Failed to Report
Montmorency	No	No	No CAC
Muskegon	No	No	Failed to Report
Newaygo	No	No	Failed to Report
Oakland	Yes	No	Failed to Report
Ogemaw	No	No	Failed to Report
Osceola	No	No	No CAC
Oscoda	No	No	Failed to Report
Otsego	No	No	Failed to Report
Ottawa	Yes	No	Failed to Report
Presque Isle	No	No	No CAC
Roscommon	No	No	No CAC
Saginaw	Yes	No	Failed to Report

<u>County</u>	<u>Formed CAC</u>	<u>Active CAC</u>	<u>Remarks/Comments by County Officials</u>
Sanilac	Yes	No	No CAC
Schoolcraft	No	No	Failed to Report
Shiawassee	Yes	No	Failed to Report
St. Clair	Yes	No	Failed to Report
St. Joseph	No	No	Failed to Report
Tuscola	Yes	No	Failed to Report
Van Buren	Yes	No	No CAC
Washtenaw	Yes	No	Failed to Report
Wayne	No	No	Failed to Report
Wexford	Yes	No	Failed to Report

E. Summary and Conclusions

Based on the reports submitted to the SCAO, only eight CACs are actively meeting. Of the eight CACs that provided reports only four indicated they are meeting six or more times as required by the statute. Four CACs had a total of eleven grievances filed directly with them. Six CACs reviewed 81 grievances filed with the friend of the court offices.

In comparison to 2003:

- There was one more reporting CAC in 2004 (eight in 2004 and seven in 2003).
- There were more grievances filed directly with the CACs in 2004 (11 in 2004 and 9 in 2003).
- Fewer grievances that were filed with the friend of the court were subsequently reviewed by CACs in 2004 (81 in 2004 and 94 in 2003).

Public Act 210 of 2004, took effect October 1, 2004. Further analysis would be necessary to determine if Public Act 210 will result in an increase or decrease in the number of CACs.

The State Court Administrative Office will continue to provide assistance to friends of the court regarding CAC duties and responsibilities.

Attachment A: SCAO Grievance Forms

INSTRUCTIONS FOR GRIEVANCE FORM

The friend of the court grievance procedure is to be used if you have a complaint regarding the actions of an employee or office operations of the friend of the court office. **A judge's or referee's decision and an order of the court are not issues to be handled through the grievance procedure.**

A grievance shall first be filed in writing with the friend of the court. If you are not satisfied with the decision of the friend of the court, you may file a further grievance, in writing, with the chief judge.

The friend of the court/chief judge will investigate and respond to your grievance in a reasonable period of time. If the response cannot be given within 30 days, you will be given a reason why the response is not possible within that time.

You may also file a grievance regarding friend of the court office operations with your local Citizen Advisory Committee at any time during the proceedings. The Citizen Advisory Committee cannot consider grievances about office employees or a court or office decision or recommendation regarding a specific case. The Citizen Advisory Committee cannot correct problems it discovers. Instead, it will advise the friend of the court, the court, or the county board of the problems in its discretion.

When filling out this grievance form, you should type or press firmly to assure all copies are readable. In the alternative, you may photocopy the appropriate number of copies of the completed form. You must also:

1. Provide the names and addresses of the parties in the court case. This will assist the friend of the court, chief judge, or Citizen Advisory Committee in identifying your case.
2. Name of the county where your domestic relations case is located.
3. Check the appropriate box for the type of complaint (grievance).
4. State your complaint, providing specific details, dates, names, and other important information.
5. Mail or deliver the completed form to the friend of the court, the chief judge's office, or the Citizen Advisory Committee office, whichever is appropriate. Keep the last copy (third copy) for your records.

Release of Information:

MCR 3.218(B) states: A party, third-party custodian, guardian, guardian ad litem or counsel for a minor, lawyer-guardian ad litem, and an attorney of record must be given access to friend of the court records related to the case, other than confidential information.

MCR 3.218(C) states: A citizen advisory committee established under the friend of the court act, MCL 552.501 et seq.; MSA 25.176(1) et seq.: 1) shall be given access to a grievance filed with the friend of the court, and to information related to the case, other than confidential information; 2) may be given access to confidential information related to a grievance if the court so orders, upon clear demonstration by the committee that the information is necessary to the performance of its duties and that the release will not impair the rights of a party or the well-being of a child involved in the case.

"Confidential information" means any of the following: staff notes from investigations, mediation sessions, and settlement conferences; Family Independence Agency protective service reports; formal mediation records; communications from minors; friend of the court grievances filed by the opposing party and the responses; a party's address or any other information if release is prohibited by a court order; except as provided in MCR 3.219, any information for which a privilege could be claimed, or that was provided by a governmental agency, subject to the express written condition that it remain confidential; and all information classified as confidential by the laws and regulations of title IV, part D of the Social Security Act, 42 USC 651 et seq.

Original - Friend of the court/Chief judge/
Citizen Advisory Committee
1st copy - Grieving party (with response)
2nd copy - SCAO (with response)
3rd copy - Grieving party (on filing)

Approved, SCAO

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

FRIEND OF THE COURT GRIEVANCE
☐ Friend of the Court ☐ Chief Judge
☐ Citizen Advisory Committee

THIS SPACE FOR COURT USE ONLY
CASE NO.:
GRIEVANCE NO.:
DATE RECEIVED:

Friend of the Court address

Telephone no.

Plaintiff's name and address

v

Defendant's name and address

County: _____ This grievance is about

- ☐ employee(s).
- ☐ office operations.
- ☐ a decision based on gender rather than the best interests of the child.

STATEMENT OF GRIEVANCE:

Date

Your telephone no.

Signature

SEE INSTRUCTIONS ON BACK OF FORM

Attachment B: Statute Describing Grievance Process

MCL 552.526. Grievance procedure

Sec. 26.

- (1) A party to a domestic relations matter who has a grievance concerning office operations or employees shall utilize the following grievance procedure:
 - (a) File the grievance, in writing, with the appropriate friend of the court office. The office shall cause the grievance to be investigated and decided as soon as practicable. Within 30 days after a grievance is filed, the office shall respond to the grievance or issue a statement to the party filing the grievance stating the reason a response is not possible within that time.
 - (b) A party who is not satisfied with the decision of the office under subdivision (a), may file a further grievance, in writing, with the chief judge. The chief judge shall cause the grievance to be investigated and decided as soon as practicable. Within 30 days after a grievance is filed, the court shall respond to the grievance or issue a statement to the party filing the grievance stating the reason a response is not possible within that time.
- (2) Each office shall maintain a record of grievances received and a record of whether the grievance is decided or outstanding. The record shall be transmitted not less than biannually to the bureau. Each office shall provide public access to the report of grievances prepared by the bureau under section 19.
- (3) In addition to the grievance procedure provided in subsection (1), a party to a domestic relations matter who has a grievance concerning office operations may file, at any time during the proceedings, the grievance in writing with the appropriate citizen advisory committee. In its discretion, the citizen advisory committee shall conduct a review or investigation of, or hold a formal or informal hearing on, a grievance submitted to the committee. The citizen advisory committee may delegate its responsibility under this subsection to subcommittees appointed as provided in section 4a.
- (4) In addition to action taken under subsection (3), the citizen advisory committee shall establish a procedure for randomly selecting grievances submitted directly to the office of the friend of the court. The citizen advisory committee shall review the response of the office to these grievances and report its findings to the court and the county board, either immediately or in the committee's annual report.
- (5) The citizen advisory committee shall examine the grievances filed with the friend of the court under this section and shall review or investigate each grievance that alleges that a decision was made based on gender rather than the best interests of the child.
- (6) If a citizen advisory committee reviews or investigates a grievance, the committee shall respond to the grievance as soon as practicable.
- (7) A grievance filed under subsection (3) is limited to office operations, and the citizen advisory committee shall inform an individual who files with the committee a grievance that concerns an office employee or a court or office decision or recommendation regarding a specific case that such a matter is not a proper subject for a grievance.

Attachment C: CAC Reporting Forms

CITIZEN ADVISORY COMMITTEE REPORT OF ACTIVITIES

Citizen Advisory Committee _____ Circuit Court _____ County	Reporting Period January 1 - December 31 _____ Year Note: This report is due January 15 of each year	Mail original to: Friend of the Court Bureau State Court Administrative Office PO Box 30048 Lansing, MI 48909
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A. Regular Meetings MCL 552.504a(1)1. Number

- ☐ Less than 6
☐ 6
☐ 7 to 12
☐ 13 or more

2. Frequency

- ☐ weekly
☐ bi-weekly
☐ monthly
☐ bi-monthly
☐ other (specify)

3. Advice Given to County Board and Court

a. Minutes:

- ☐ were submitted to county board after each meeting.
☐ were not submitted to county board after each meeting. (Explain below)

b. The court and county board were advised on the office of the friend of the court's duties and performance by: (Attach reports or summary of information)

Means of AdviceFrequency of Advice

- ☐ written reports
☐ appearance at board meetings
☐ meetings with court
☐ other (specify)

B. Investigation of Grievances1. Party Request MCL 552.526(3) (Attach SCAO 28b)

- ☐ Informal hearings were held. Number of hearings held: _____
☐ Formal hearings were held. Number of hearings held: _____
☐ Subcommittee(s) were created to review grievances

2. Randomly Selected MCL 552.526(4) (Attach SCAO 28c) (Describe below the procedure for randomly selecting grievances)3. Decisions Allegedly Based on Gender Rather than Best Interests of the Child MCL 552.526(5) (Attach SCAO 28c)**C. Citizen Advisory Committee Functions**

1. List any services provided by the Citizen Advisory Committee not addressed in Parts A. and B. above.

2. The efficiency of the Citizen Advisory Committee's activities and functioning, and the satisfaction of users of the Committee's services, were impeded by the following problems: MCL 552.519(3)(d)(iii)

CITIZEN ADVISORY COMMITTEE GRIEVANCE RECORD
(Grievances Filed Directly with Citizen Advisory Committee)

Citizen Advisory Committee _____ Circuit Court _____ County				Reporting Period January 1 - December 31 _____ Year				Mail original to: Friend of the Court Bureau State Court Administrative Office PO Box 30048 Lansing, MI 48909								
Note: This report is due January 15 of each year																
Grievance no./ Case no.	Date Rec'd.	Date Resp'd.	Multiple Grievances	Types of Grievances Issues					Grievance Rejected	Evaluation			Recommendation	Codes		
														<div style="padding: 5px;"> Multiple Grievances DG = Duplicate grievance SP = Same party, new grievance Types of Issues Raised S = Support PT = Parenting Time C = Custody GB = Gender based decision O = Other Grievances Rejected N = Not operations O = Other Grievance Evaluation F = Agree with all of grievance P = Partially agree with grievance D = Disagree with all of grievance Recommendation CO = Change local policy or operation CL = Change law or state policy </div>		
Reporting Period Totals			DG	SP	S	PT	C	GB	O	N	O	F	P	D	CO	CL

Number of grievances filed: _____

Number of grievance responses pending: _____

Pending less than 30 days: _____

Pending over 30 days: _____

Date _____

Signature _____

CITIZEN ADVISORY COMMITTEE REVIEW OF FOC GRIEVANCES
 (Grievances Reviewed by Citizen Advisory Committee: Random Selection / Gender Based Decisions)

Citizen Advisory Committee _____ Circuit Court _____ County				Reporting Period January 1 - December 31 _____ Year				Mail original to: Friend of the Court Bureau State Court Administrative Office PO Box 30048 Lansing, MI 48909							
Grievance no. and Case no.				Reason for Evaluation		Multiple Grievances		Types of Issues		Evaluation			Codes		
													Reason for Evaluation R = Random selection GB = Gender based decision Multiple Grievances DG = Duplicate grievance SP = Same party, new grievance Types of Issues Raised S = Support PT = Parenting Time C = Custody O = Other Grievance Evaluation F = Agree with FOC P = Partially agree with FOC D = Disagree with FOC GB = Find FOC decision based on gender		
Reporting Period Totals				R	GB	DG	SP	S	PT	C	O	F	P	D	GB
												M	F		

Date _____

Signature _____

Attachment D: Public Act 551 of 1998

Act No. 551
Public Acts of 1998
Approved by the Governor
January 19, 1999
Filed with the Secretary of State
January 22, 1999
EFFECTIVE DATE: March 1, 1999

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Senators Geake, Steil, Gougeon, Bouchard, Dingell, V. Smith, Peters and Shugars

ENROLLED SENATE BILL No. 841

AN ACT to amend 1982 PA 294, entitled "An act to revise and consolidate the laws relating to the friend of the court; to provide for the appointment or removal of the friend of the court; to create the office of the friend of the court; to establish the rights, powers, and duties of the friend of the court and the office of the friend of the court; to establish a state friend of the court bureau and to provide the powers and duties of the bureau; to prescribe powers and duties of the circuit court and of certain state and local agencies and officers; to establish friend of the court citizen advisory committees; to prescribe certain duties of certain employers and former employers; and to repeal acts and parts of acts," (MCL 552.501 to 552.535) by adding sections 4b and 4c.

The People of the State of Michigan enact:

Sec. 4b. (1) Except as provided in subsections (2), (3), and (4), and under the chief judge's supervision, the office shall provide the citizen advisory committee with a grievance filed as provided in section 26 and access to records and information necessary for the committee to perform its functions as prescribed by this act, including the following:

(a) Case records and other information pertaining to the case of a party who has filed a grievance with the citizen advisory committee.

(b) Information regarding the procedures used by the office to carry out its responsibilities as defined by statute, court rule, or the bureau.

(c) Information regarding the administration of the office of the friend of the court office, including budget and personnel information.

(2) The following information shall not be provided to a citizen advisory committee:

(a) Information defined as confidential by supreme court rule.

(b) Case information subject to confidentiality or suppression by specific court order, unless the court that issued the order of confidentiality determines, after notice to the parties and an opportunity for response, that the requested information may be made available to the citizen advisory committee without impairing the rights of a party or the well-being of a child involved in the case.

(3) A citizen advisory committee shall be provided a judge's or referee's notes pertaining to a case only at the chief judge's express direction.

(4) A citizen advisory committee has access to records of a mediation session only if the court determines, after notice to the parties and an opportunity for a response, that access would not impair the rights of a party to the case or the well-being of a child involved in the case.

(5) Upon request of a citizen advisory committee and under the chief judge's supervision, the office shall annually provide the committee with information pertaining to a random sampling of grievances. If requested by the committee

and at the supreme court's direction, the state court administrative office shall assist the office in devising a statistically significant random sampling.

Sec. 4c. (1) A citizen advisory committee, its members, and its staff shall consider as confidential a record or other information to which they have access in order to perform their functions under this act and shall properly safeguard its use and disclosure.

(2) A person listed in subsection (1) who discloses a record or other information described in subsection (1) is guilty of a misdemeanor.

(3) A citizen advisory committee member's unauthorized disclosure of a record or information described in subsection (1) is grounds for removal from the committee.

(4) A committee staff member's unauthorized disclosure of a record or information described in subsection (1) is grounds for dismissal.

Enacting section 1. This amendatory act takes effect March 1, 1999.

This act is ordered to take immediate effect.



Secretary of the Senate.



Clerk of the House of Representatives.

Approved _____

Governor.

Attachment E: Michigan Court Rule 3.218

Rule 3.218 Access to Friend of the Court Records

(A) General Definitions. When used in this subrule, unless the context indicates otherwise,

(1) "records" means paper files, computer files, microfilm, microfiche, audio tape, video tape, and photographs;

(2) "access" means inspection of records, obtaining copies of records upon receipt of payment for costs of reproduction, and oral transmission by staff of information contained in friend of the court records;

(3) "confidential information" means

(a) staff notes from investigations, mediation sessions, and settlement conferences;

(b) Family Independence Agency protective services reports;

(c) formal mediation records;

(d) communications from minors;

(e) friend of the court grievances filed by the opposing party and the responses;

(f) a party's address or any other information if release is prohibited by a court order;

(g) except as provided in MCR 3.219, any information for which a privilege could be claimed, or that was provided by a governmental agency subject to the express written condition that it remain confidential; and

(h) all information classified as confidential by the laws and regulations of title IV, part D of the Social Security Act, 42 USC 651 *et seq.*

(B) A party, third-party custodian, guardian, guardian ad litem or counsel for a minor, lawyer-guardian ad litem, and an attorney of record must be given access to friend of the court records related to the case, other than confidential information.

(C) A citizen advisory committee established under the Friend of the Court Act, MCL 552.501 *et seq.*,

(1) shall be given access to a grievance filed with the friend of the court, and to information related to the case, other than confidential information;

(2) may be given access to confidential information related to a grievance if the court so orders, upon clear demonstration by the committee that the information is necessary to the performance of its duties and that the release will not impair the rights of a party or the well-being of a child involved in the case.

When a citizen advisory committee requests information that may be confidential, the friend of the court shall notify the parties of the request and that they have 14 days from the date the notice was mailed to file a written response with the court. If the court grants access to the information, it may impose such terms and conditions as it determines are appropriate to protect the rights of a party or the well-being of a child.

(D) Protective services personnel from the Family Independence Agency must be given access to friend of the court records related to the investigation of alleged abuse and neglect.

(E) The prosecuting attorney and personnel from the Office of Child Support and the Family Independence Agency must be given access to friend of the court records required to perform the functions required by title IV, part D of the Social Security Act, 42 USC 651 *et seq.*

(F) Auditors from state and federal agencies must be given access to friend of the court records required to perform their audit functions.

(G) Any person who is denied access to friend of the court records or confidential information may file a motion for an order of access with the judge assigned to the case or, if none, the chief judge.

(H) A court, by administrative order adopted pursuant to MCR 8.112(B), may make reasonable regulations necessary to protect friend of the court records and to prevent excessive and unreasonable interference with the discharge of friend of the court functions.

Attachment F: Public Act 210 of 2004

Act No. 210
Public Acts of 2004
Approved by the Governor
July 14, 2004
Filed with the Secretary of State
July 14, 2004
EFFECTIVE DATE: October 1, 2004

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Reps. Howell, Voorhees and Vander Veen

ENROLLED HOUSE BILL No. 4776

AN ACT to amend 1982 PA 294, entitled "An act to revise and consolidate the laws relating to the friend of the court; to provide for the appointment or removal of the friend of the court; to create the office of the friend of the court; to establish the rights, powers, and duties of the friend of the court and the office of the friend of the court; to establish a state friend of the court bureau and to provide the powers and duties of the bureau; to prescribe powers and duties of the circuit court and of certain state and local agencies and officers; to establish friend of the court citizen advisory committees; to prescribe certain duties of certain employers and former employers; and to repeal acts and parts of acts," by amending sections 2, 2a, 3, 4, 4a, 7, and 9 (MCL 552.502, 552.502a, 552.503, 552.504, 552.504a, 552.507, and 552.509), sections 2, 2a, and 9 as amended by 2002 PA 571, section 3 as amended by 1996 PA 365, sections 4 and 4a as added by 1996 PA 366, and section 7 as amended by 1996 PA 144, and by adding section 7a.

The People of the State of Michigan enact:

Sec. 2. As used in this act:

- (a) "Bureau" means the state friend of the court bureau created in section 19.
- (b) "Centralizing enforcement" means the process authorized under section 10 of the office of child support act, 1971 PA 174, MCL 400.240.
- (c) "Chief judge" means the following:
 - (i) The circuit judge in a judicial circuit having only 1 circuit judge.
 - (ii) Except in the county of Wayne, the chief judge of the circuit court in a judicial circuit having 2 or more circuit judges.
 - (iii) In the county of Wayne, the executive chief judge of the circuit court in the third judicial circuit.
- (d) "Citizen advisory committee" means a citizen friend of the court advisory committee established as provided in section 4.

(e) “Consumer reporting agency” means a person that, for monetary fees or dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and that uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. As used in this subdivision, “consumer report” means that term as defined in section 603 of the fair credit reporting act, title VI of the consumer credit protection act, Public Law 90-321, 15 USC 1681a.

(f) “County board” means the county board of commissioners in the county served by the office. If a judicial circuit includes more than 1 county, action required to be taken by the county board means action by the county boards of commissioners for all counties composing that circuit.

(g) “Court” means the circuit court.

(h) “Current employment” means employment within 1 year before a friend of the court request for information.

(i) “Custody or parenting time order violation” means an individual’s act or failure to act that interferes with a parent’s right to interact with his or her child in the time, place, and manner established in the order that governs custody or parenting time between the parent and the child and to which the individual accused of interfering is subject.

(j) “De novo hearing” means a new judicial consideration of a matter previously heard by a referee.

(k) “Department” means the family independence agency.

(l) “Domestic relations matter” means a circuit court proceeding as to child custody or parenting time, or child or spousal support, that arises out of litigation under a statute of this state, including, but not limited to, the following:

(i) 1846 RS 84, MCL 552.1 to 552.45.

(ii) The family support act, 1966 PA 138, MCL 552.451 to 552.459.

(iii) Child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.

(iv) 1968 PA 293, MCL 722.1 to 722.6.

(v) The paternity act, 1956 PA 205, MCL 722.711 to 722.730.

(vi) Revised uniform reciprocal enforcement of support act, 1952 PA 8, MCL 780.151 to 780.183.

(vii) Uniform interstate family support act, 1996 PA 310, MCL 552.1101 to 552.1901.

(m) “Domestic relations mediation” means a process by which the parties are assisted by a domestic relations mediator in voluntarily formulating an agreement to resolve a dispute concerning child custody or parenting time that arises from a domestic relations matter.

(n) “Friend of the court” means the person serving under section 21(1) or appointed under section 23 as the head of the office of the friend of the court.

(o) “Friend of the court case” means a domestic relations matter that an office establishes as a friend of the court case as required under section 5a. The term “friend of the court case”, when used in a provision of this act, is not effective until on and after December 1, 2002.

(p) “Income” means that term as defined in section 2 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.602.

Sec. 2a. As used in this act:

(a) “Medical assistance” means medical assistance as established under title XIX of the social security act, 42 USC 1396 to 1396r-6 and 1396r-8 to 1396v.

(b) “Office” and “office of the friend of the court” mean an agency created in section 3.

(c) “Payer” means a person ordered by the circuit court to pay support.

(d) “Public assistance” means cash assistance provided under the social welfare act, 1939 PA 280, 400.1 to 400.119b.

(e) “Recipient of support” means the following:

(i) The spouse, if the support order orders spousal support.

(ii) The custodial parent or guardian, if the support order orders support for a minor child or a child who is 18 years of age or older.

(iii) The family independence agency, if support has been assigned to that department.

(f) “State advisory committee” means the committee established by the bureau under section 19.

(g) “State disbursement unit” or “SDU” means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.

(h) "Support" means all of the following:

(i) The payment of money for a child or a spouse ordered by the circuit court, whether the order is embodied in an interim, temporary, permanent, or modified order or judgment. Support may include payment of the expenses of medical, dental, and other health care, child care expenses, and educational expenses.

(ii) The payment of money ordered by the circuit court under the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the necessary expenses incurred by or for the mother in connection with her confinement, for other expenses in connection with the pregnancy of the mother, or for the repayment of genetic testing expenses.

(iii) A surcharge under section 3a of the support and parenting time enforcement act, MCL 552.603a.

(i) "Support and parenting time enforcement act" means 1982 PA 295, MCL 552.601 to 552.650.

(j) "Support order" means an order entered by the circuit court for the payment of support in a sum certain, whether in the form of a lump sum or a periodic payment.

(k) "Title IV-D" means part D of title IV of the social security act, 42 USC 651 to 655, 656 to 657, 658a to 660, and 663 to 669b.

(l) "Title IV-D agency" means that term as defined in section 2 of the support and parenting time enforcement act, MCL 552.602.

Sec. 3. (1) There is created in each judicial circuit of this state an office of the friend of the court, except as provided in subsection (2).

(2) If each county in a multicounty judicial circuit has a separate office of the friend of the court on the day before the effective date of this act, each county in that circuit shall have a separate office of the friend of the court on the effective date of this act. If a vacancy occurs in the position of the friend of the court in such a county, the chief judge may merge the office of the friend of the court in that county with the office of the friend of the court in another county of the judicial circuit.

(3) The head of each office is the friend of the court serving under section 21(1) or appointed according to section 23.

(4) The friend of the court is an employee of the circuit court in the judicial circuit served by the friend of the court.

(5) The duties of the office shall be performed under the direction and supervision of the chief judge.

(6) Except as otherwise required by federal law on cases that are eligible for funding under title IV-D, the friend of the court is only required to perform activities under this act or the support and parenting time enforcement act when a party in that case has requested title IV-D services.

(7) Each friend of the court shall take all necessary steps to adopt office procedures to implement this act, the Michigan court rules, and the recommendations of the bureau. Office of the friend of the court duties shall be performed in accordance with the Elliott-Larsen civil rights act, 1976 PA 453, MCL 37.2101 to 37.2804.

(8) An office of the friend of the court shall be open to the public making available all of the office's services not less than 20 hours each month during nontraditional office hours. This subsection does not require an office of the friend of the court to be open for a greater number of hours than it was required to be open before January 1, 1997.

Sec. 4. (1) Each county may establish a citizen friend of the court advisory committee composed of the following members, each of whom is a resident of the county:

(a) A noncustodial parent.

(b) A custodial parent.

(c) An attorney who engages primarily in family law practice.

(d) The county sheriff or the sheriff's designee.

(e) The prosecuting attorney or the prosecuting attorney's designee.

(f) The director of the family independence agency or the director's designee.

(g) A mental health professional who provides family counseling.

(h) Two members of the general public who are not serving on the committee in a category listed in subdivisions (a) to (g).

(2) Except for a member serving under subsection (1)(d), (e), or (f), and except as otherwise provided in this subsection, the county board shall appoint the citizen advisory committee members. In a county organized under 1966 PA 293, MCL 45.501 to 45.521, the county executive shall appoint the citizen advisory committee members with the advice and consent of the county board, and shall exercise the other powers and duties prescribed for the county board by this section in regard to the citizen advisory committee.

(3) A vacancy on the citizen advisory committee shall be filled for the remainder of the term in the same manner as the position was originally filled. The county board shall attempt to compose the citizen advisory committee so that its membership reflects the ethnic, racial, and gender distribution of the community that it serves.

(4) Committee members shall serve renewable terms of 3 years for each time appointed. Members appointed under subsection (1)(a), (b), (c), (g), and (h) shall serve initial terms of 3 years for 2 members, 2 years for 2 members, and 1 year for 2 members to allow 1/3 of those members to be appointed to the committee each year.

(5) A citizen advisory committee shall elect 1 of its members as chairperson and 1 as vice-chairperson.

(6) A citizen advisory committee shall honor any guidelines established by the state court administrative office for a friend of the court office pertaining to citizen advisory committees.

(7) Except for a member serving under subsection (1)(d), (e), or (f), a citizen advisory committee member shall not serve more than 2 consecutive terms. After completion of 2 consecutive terms, a former member shall not be reappointed to serve during the 2 years immediately following the end of his or her previous term.

Sec. 4a. (1) A citizen advisory committee is advisory only. Once established, the citizen advisory committee shall do all of the following:

(a) Meet not less than 6 times annually. The citizen advisory committee shall keep minutes of each meeting and submit a copy to the county board.

(b) Review and investigate grievances concerning the friend of the court as provided in section 26.

(c) Advise the court and the county board on the office of the friend of the court's and the friend of the court's duties and performance, and on the community's needs relating to the office's services.

(d) At the end of each calendar year, submit an annual report of its activities to the county board, court, state court administrative office, governor's office, and standing senate and house committees and appropriations subcommittees that are responsible for legislation concerning the judicial branch.

(2) A citizen advisory committee chairperson may appoint subcommittees comprised of 3 committee members to review, investigate, and hold hearings on grievances submitted to the citizen advisory committee as provided in section 26. The chairperson may serve on a grievance subcommittee and shall attempt to appoint members so that each member has an equal opportunity for subcommittee participation.

(3) Except as otherwise provided in this subsection, a citizen advisory committee meeting is open to the public. A member of the public attending a meeting shall be given a reasonable opportunity to address the committee on an issue under consideration by the committee. If a vote is to be taken by the citizen advisory committee, the opportunity to address the committee shall be given before the vote is taken. A citizen advisory committee meeting, including a meeting of a subcommittee appointed under subsection (2), is not open to the public while the committee or subcommittee is reviewing, investigating, or holding a hearing on a grievance as provided in section 26.

Sec. 7. (1) The chief judge may designate a referee as provided by the Michigan court rules.

(2) A referee may do all of the following:

(a) Hear all motions in a domestic relations matter, except motions pertaining to an increase or decrease in spouse support, referred to the referee by the court.

(b) Administer oaths, compel the attendance of witnesses and the production of documents, and examine witnesses and parties.

(c) Make a written, signed report to the court containing a summary of testimony given, a statement of findings, and a recommended order; or make a statement of findings on the record and submit a recommended order.

(d) Hold hearings as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650. The referee shall make a record of each hearing held.

(e) Accept a voluntary acknowledgment of support liability, and review and make a recommendation to the court concerning a stipulated agreement to pay support.

(f) Recommend a default order establishing, modifying, or enforcing a support obligation in a domestic relations matter.

(3) If ordered by the court, or if stipulated by the parties, a referee shall make a transcript, verified by oath, of each hearing held. The cost of preparing a transcript shall be apportioned equally between the parties, unless otherwise ordered by the court.

(4) The court shall hold a de novo hearing on any matter that has been the subject of a referee hearing, upon the written request of either party or upon motion of the court. The request of a party shall be made within 21 days after the recommendation of the referee is made available to that party.

(5) A hearing is de novo despite the court's imposition of reasonable restrictions and conditions to conserve the resources of the parties and the court if the following conditions are met:

(a) The parties have been given a full opportunity to present and preserve important evidence at the referee hearing.

(b) For findings of fact to which the parties have objected, the parties are afforded a new opportunity to offer the same evidence to the court as was presented to the referee and to supplement that evidence with evidence that could not have been presented to the referee.

(6) Subject to subsection (5), de novo hearings include, but are not limited to, the following:

(a) A new decision based entirely on the record of a previous hearing, including any memoranda, recommendations, or proposed orders by the referee.

(b) A new decision based only on evidence presented at the time of the de novo hearing.

(c) A new decision based in part on the record of a referee hearing supplemented by evidence that was not introduced at a previous hearing.

(7) Pending a de novo hearing, the referee's recommended order may be presented to the court for entry as an interim order as provided by the Michigan court rules. The interim order shall be served on the parties within 3 days and shall be subject to review as provided under this subsection.

Sec. 7a. (1) A copy of each report, recommendation, and any supporting documents or a summary of supporting documents prepared or used by the friend of the court or an employee of the office shall be made available to the attorney for each party and to each of the parties before the court takes any action on a recommendation by the office.

(2) In a child custody dispute, the parties shall be informed of whether a custody preference expressed by the child was considered, evaluated, and determined by the judge, referee, or employee of the friend of the court. The parties shall not be informed of the preference expressed by the child under section 3 of the child custody act of 1970, 1970 PA 91, MCL 722.23.

(3) If a guardian is appointed for a child, the guardian shall be informed whether a custody preference expressed by the child was considered, evaluated, and determined by the judge, referee, or employee of the friend of the court, and, if so, the preference expressed.

(4) The manner and time within which the information required under this section is made available shall be determined by the Michigan court rules.

Sec. 9. (1) Except as otherwise provided in subsections (2) and (3), after a support order is entered in a friend of the court case, the office shall receive each payment and service fee under the support order; shall, not less than once each month, record each support payment due, paid, and past due; and shall disburse each support payment to the recipient of support within 14 days after the office receives each payment or within the federally mandated time frame, whichever is shorter.

(2) An office shall receive support order and service fee payments, and shall disburse support, as required by subsection (1) until the state disbursement unit implements support and fee receipt and disbursement for the cases administered by that office. At the family independence agency's direction and in cooperation with the SDU, an office shall continue support and fee receipt and support disbursement to facilitate the transition of that responsibility to the SDU as directed in, and in accordance with the transition schedule developed as required by, the office of child support act, 1971 PA 174, MCL 400.231 to 400.240.

(3) After SDU support and fee receipt and disbursement is implemented in a circuit court circuit, the office for that court may accept a support payment made in cash or by cashier's check or money order. If the office accepts such a payment, the office shall transmit the payment to the SDU and shall inform the payer of the SDU's location and the requirement to make payments through the SDU.

(4) Promptly after November 3, 1999, each office shall establish and maintain the support order and account records necessary to enforce support orders and necessary to record obligations, support and fee receipt and disbursement, and related payments. Each office shall provide the SDU with access to those records and shall assist the SDU to resolve support and fee receipt and disbursement problems related to inadequate identifying information.

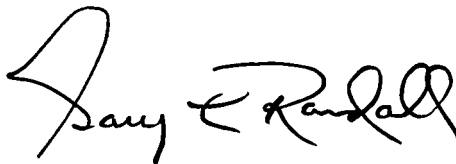
(5) The office shall provide annually to each party, without charge, 1 statement of account upon request. Additional statements of account shall be provided at a reasonable fee sufficient to pay for the cost of reproduction. Statements provided under this subsection are in addition to statements provided for administrative and judicial hearings.

(6) The office shall initiate and carry out proceedings to enforce an order in a friend of the court case regarding custody, parenting time, health care coverage, or support in accordance with this act, the support and parenting time enforcement act, and supreme court rules.

(7) Upon request of a child support agency of another state, the office shall initiate and carry out certain proceedings to enforce support orders entered in the other state without the need to register the order as a friend of the court case in this state. The order shall be enforced using automated administrative enforcement actions authorized under the support and parenting time enforcement act.

Enacting section 1. This amendatory act takes effect October 1, 2004.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor

Attachment G: Recommendation for Random Sampling of Grievances

Random Selection of Grievances

Public Act 551 requires, upon request of a Citizen Advisory Committee (CAC) and under the chief judge's supervision that the Friend of the Court shall annually provide the Committee with information pertaining to a random sampling of grievances. If requested by the Committee and at the Supreme Court's direction the state Court Administrative Office shall assist the Friends of the Courts in devising a statistically significant random sampling. The State Court Administrative Office recommends the following process for selection of grievances.

The selection of grievances should begin with the first grievance filed in January of each calendar year. Grievances should be maintained in the order they are received. Grievances should be selected based on the number filed the previous year.

The following is an example of the process for selection of grievances: The Friend of the Court received 21 to 30 grievances the previous year, the second grievance filed would be forwarded to the Citizens Advisory Committee and then every other grievance after that. This would result in 10-15 grievances forwarded to the Citizens Advisory Committee.

If 20 or fewer grievances were filed in the previous year, then the CAC should receive all or the grievances from the Friend of the Court Office.

If 21 to 30 grievances were filed in the previous year, then the CAC should receive every other grievance from the Friend of the Court Office so that 10 to 15 grievances are received annually.

If 31 to 45 grievances were filed in the previous year, then the CAC should receive every third grievance from the Friend of the Court Office so that 10 to 15 grievances are received annually.

If 46 to 60 grievances were filed in the previous year, then the CAC should receive every fourth grievance from the Friend of the Court Office so that 10 to 15 grievances are received annually.

If 61 to 75 grievances were filed in the previous year, then the CAC should receive every fifth grievance from the Friend of the Court Office so that 10 to 15 grievances are received annually.

If 76 to 100 grievances were filed in the previous year, then the CAC should receive every seventh grievance from the Friend of the Court Office so that 10 to 15 grievances are received annually.

If 101 or more grievances are filed from the previous year, the Friend of the Court should forward to the CAC every 10th grievance so that 10 percent of the grievances are reviewed.

Once the friend of the court randomly selects a grievance and response, and any other information requested by the Citizens Advisory Committee it should be copied, logged with the litigant's names, case number, date and the name of the Citizen Advisory Committee member it was forwarded to with the envelope marked "CONFIDENTIAL".